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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,456	11/17/2000	Martin Derleth	027/49351	5099

7590 06/10/2002

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EXAMINER

CARPENTER, SCOTT A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,456

Applicant(s)

DERLETH ET AL.

Examiner

Scott A. Carpenter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The objection to the specification under 37 CFR 1.71 raised in the previous action (paper no. 13) is withdrawn, however the specification is newly objected to because replacement paragraphs filed 4/16/02 failed to completely correct the issues arising from the previously stated objection. Specifically, new replacement paragraphs 2, 3, and 5 still contain several errors. Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as clearly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nonaka et al. in U.S. Patent 4,559,868.

Nonaka et al. (Nonaka hereafter) discloses a dashboard for a vehicle comprising a housing part (29) and a cover part (6), wherein the housing includes a fastening structure comprising an arm (see Fig. 2) and the cover includes a slotted recess (around 49 in Fig.2). Nonaka further discloses that the slot and arm portions are angled towards the passenger compartment, and that with the cover and housing part assembled, they form a HVAC duct.

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Nonaka also discloses that the vehicle have a windshield, but fails to specifically state that the vehicle comprise a cross member to which the windshield is mounted. One of ordinary skill in the art would recognize that a cross member upon which to mount a windshield is a necessary structure in any vehicle having a windshield, and is therefore a more or less inherent feature in any such vehicle. Therefore even without the explicit disclosure of a cross member, claims 16, 17, 19, and 20 are clearly anticipated by, or in the alternative, rendered obvious by Nonaka.

Furthermore, with regard to the newly added limitations to claims 16 and 19, the housing part of Nonaka is mounted to the vehicle, with the cover part detachably fixed to the housing part.

5. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka.

Nonaka fails to disclose the specific materials used in the construction of the cover portion, however the use of the structure and materials recited in claims 18 and 21 is well known in the art, and it would have been obvious to one of ordinary skill in the art to use such construction, as it provides a rigid panel with insulating (both thermal and acoustic) properties.

6. Applicant's arguments filed 4/16/02 have been fully considered but they are not persuasive. Applicant's arguments seem to generally allege that the instant invention is patentable over Nonaka because the cover of the instant invention is removable while the housing is fixed to the vehicle. This point is without practical significance, as no such limitations are recited in the claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Carpenter whose telephone number is 703-308-6290.


The examiner can normally be reached on Mon. - Thurs. 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-308-3297 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sac

June 2, 2002

 6/2/02

SCOTT CARPENTER
PATENT EXAMINER

 6/7/02

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600